

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

FRED POWELL,

Plaintiff,

v.

9:08-CV-0371

**BRIAN FISCHER, Commissioner, New York
State Department of Correctional Services;**

**JEFFREY TEDFORD, Superintendent,
Camp Gabriels Correctional Facility; DR.**

**ROY PARKER, P.A., Camp Gabriels
Correctional Facility; and DR. BERGAMINI,
Physician, Adirondack Correctional Facility,**

Defendants.

APPEARANCES:

OF COUNSEL:

FRED POWELL
Plaintiff, *pro se*

HON. ANDREW M. CUOMO
Attorney General for the
State of New York
The Capitol
Albany, New York 12224-0341
Attorney for Defendants

JAMES SEAMAN, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed on the 17th day of February 2010. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

Such Report-Recommendation, which was mailed to plaintiff's last known residence, was

returned to the Court as undeliverable to plaintiff at such address. *See* docket no. 44.

Additionally, plaintiff was previously advised by the Court that plaintiff was required to promptly notify the Clerk's Office of any change in his address, and that failure to keep such office apprised of his current address would result in the dismissal of the instant action. *See* docket no. 7.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendants' motion for summary judgment (docket no. 40) is granted and that judgment be entered as to all defendants on all claims.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: March 9, 2010
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge